

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

**BRITTANY GREEN
229 GRACE AVENUE
BARBERTON, OHIO 44203**

Plaintiffs

v.

**WAL-MART STORES EAST, LP
AND WALMART INC.
c/o ITS STATUTORY AGENT
CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219**

Defendants

CASE NO.:

JUDGE

COMPLAINT

TYPE: PERSONAL INJURY

JURY DEMAND ENDORSED HEREON

Now comes the Plaintiff, Brittany Green, by and through the undersigned counsel, and for her claims against Walmart Supercenter, states as follows:

INTRODUCTION

1. Plaintiff Brittany Green resides at 229 Grace Avenue, in the City of Barberton, County of Summit, State of Ohio.
2. At all times relevant herein, Defendant Wal-Mart Stores East, LP and Walmart, Inc. (hereafter "Walmart") operate a department store located at 2887 South Arlington Road, in Akron, Ohio, and are duly organized and licensed to do business under the laws of the State of Ohio.

FIRST CAUSE OF ACTION

3. Defendant Walmart had a common law and statutory duty to maintain the premises of its stores in a safe and fit condition.



4. On or about May 16, 2020, Plaintiff Brittany Green was a paying business guest, patron, and business invitee on the premises of Defendant Walmart at the aforesaid location.

5. On or about May 16, 2020, Defendant Walmart, acting by and through its agents, servants, and/or employees, negligently failed to maintain the premises in a safe and fit condition in violation of both the common law and the laws and statutes of the State of Ohio and created a hazardous condition on and around the aisles, hallways, and walkways of the premises by failing to keep the area safe for patrons in a foreseeable circumstance, including the need to secure merchandise in a proper, safe manner.

6. Defendant Walmart, by and through its agents, servants, and/or employees, sub-contractors, created a non-natural, hazardous condition, with no warning or notice of said condition, on and around the aisle, hallways, and walkways of the premises which included failing to properly secure merchandise and promotional materials within the Walmart store .

7. As a direct and proximate result of the negligence of Defendant Walmart, its agents, servants and/or employees, on or about May 16, 2020, Plaintiff Brittany Green was struck by a falling kayak and/or other objects in the aisles/walkways on the premises of Defendant Walmart's place of business.

8. As a direct and proximate result of the negligence of the Defendant Walmart, its agents, servants, sub-contractors, and/or employees, Plaintiff Brittany Green has suffered serious, debilitating, and permanent personal injuries and has incurred hospital and medical expenses, lost income and will continue to do so in the future.

9. Defendant Walmart is responsible for the negligence acts of its agents and employees under the doctrine of *respondent superior*.

WHEREFORE, Plaintiff Brittany Green demands judgment against Defendant Walmart for compensatory damages in favor of Plaintiff Brittany Green in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) and punitive damages.

Plaintiff also demands payment of costs, expenses of litigation, attorney fees and pre-judgment and post-judgment interest, and such other and further relief as the Court deems appropriate.

Respectfully submitted,

WILLIAM T. WHITAKER CO., L.P.A.

/s/ William T. Whitaker

WILLIAM T. WHITAKER #0007322

121 South Main Street, Suite 205

Akron, Ohio 44308

(330) 762-0287; (330) 762-2669 Facsimile

whitaker@whitakerlawlpa.com

Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a jury trial as provided by law in this matter.

/s/ William T. Whitaker

William T. Whitaker

IN THE COURT OF COMMON PLEAS, SUMMIT COUNTY, OHIO

CASE NUMBER: CV-2022-05-1566

BRITTANY GREEN
229 Grace Avenue
Barberton, OH, 44203

-VS-

SUMMONS

WAL-MART STORES EAST, LP & WALMART INC.
c/o Its Statutory Agent, CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

TO the following:

WAL-MART STORES EAST, LP & WALMART INC.
c/o Its Statutory Agent, CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

You have been named as a defendant(s) in a complaint filed in the Summit County Court of Common Pleas, Summit County Courthouse, 205 S. High St., Akron, Ohio, 44308.

A copy of the COMPLAINT is attached hereto. The name and address of the Plaintiff's attorney is:

WILLIAM THOMAS WHITAKER
121 South Main Street
STE 205
AKRON, OH 44308

You are hereby summoned and required to serve upon the attorney listed above, or upon the party if they have no attorney of record, a copy of an answer to the COMPLAINT within twenty-eight (28) days after service of this summon on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the attorney, or upon the party, if there is no attorney of record.

If you fail to appear and defend, judgment may be rendered against you for the relief demanded in the COMPLAINT.

Sandra Kurt
Summit County Clerk of Courts

May 17, 2022

SANDRA KURT

THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

2022 JUN 14 AM 10: 03

~~SS~~
CV

2022-05
1566

SUMMIT COUNTY
CLERK OF COURTS
Brittany Green

~~33 21st St NW~~
Barberton OH 44203

Plaintiff

VS

Walmart
Arlington St,
Akron OH,

Defendant

Change of Address

~~to~~ Brittany Green